

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00212-MR-DLH**

**ROBERT KENNETH SWITZER,**

**Plaintiff,**

**vs.**

**CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Consent Motion for Fees under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A). [Doc. 16].

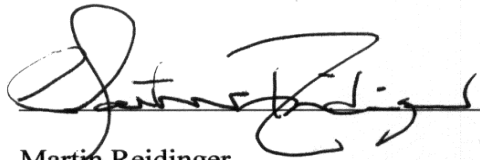
The Plaintiff seeks an award in the amount of \$5,000.00 in full satisfaction of any and all claims by the Plaintiff in this case pursuant to EAJA. [Doc. 16]. The Defendant consents to that award. [Id.]. In light of the Court's prior remand of this matter, and in the absence of any contention by the Commissioner that her position was substantially justified or that special circumstances exist that would render an award of attorney's fees unjust, the Court concludes that the Plaintiff is entitled to an award of attorney's fees under the EAJA.

**IT IS, THEREFORE, ORDERED** that:

- (1) The Plaintiff's Consent Motion [Doc. 16] is hereby **GRANTED**, and the Plaintiff is hereby awarded attorney's fees in the amount of Five Thousand Dollars (\$5,000.00), which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d);
- (2) In the event that past-due benefits are awarded on remand, the Plaintiff shall have sixty (60) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b); and
- (3) No additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

**IT IS SO ORDERED.**

Signed: September 6, 2016

  
Martin Reidinger  
United States District Judge

